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The Leaside Trust

Whistleblowing Policy & Procedure

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Purpose & Scope

Leaside is committed to fostering a climate of openness, in which staff and others feel able to safely raise legitimate concerns without the fear of victimisation.

The aim of this Policy and Procedure is to provide a clear framework for staff to raise any genuine concerns they may have about malpractice or impropriety in a responsible way, and for dealing with these fairly and promptly.

The Policy and Procedure takes account of the provisions of the Public Interest Disclosure Act 1998. This Act protects employees and other paid workers from suffering any detriment or victimisation if they raise concerns in relation to a belief that:

- *A criminal offence has been committed, is being committed or is likely to be committed.*
- *A person has failed, is failing or is likely to fail to comply with any legal obligation to which he/she is subject.*
- *A miscarriage of justice has occurred, is occurring or is likely to occur.*
- *The health or safety of any individual has been, is being or is likely to be endangered.*
- *The environment has been, is being or is likely to be damaged or Information tending to how that any matter above is being or is likely to be deliberately concealed.*

However, Leaside encourages staff to raise any legitimate concerns they may have about serious malpractice, wrongdoing or unethical behaviour under the provisions of this Policy and Procedures, even where they fall outside of the above categories.

The exception to this is where the concerns relate to matters which are specifically covered by other policies and procedures, such as:

Grievances about terms of employment or personal treatment, which should be dealt with under Leaside's Complaints Policy and Procedures.

Concerns about the safety and welfare of a child or young person. Which should be raised under Leaside's Child Protection Policy and Procedure.

Allegations of harassment and victimisation, which should be dealt with under Leaside's Bullying and Harassment Policy and Procedure.

Customer complaints, which should be raised under Leaside's Complaints Procedure.

Staff may not use this Policy and Procedure to re-open matters already dealt with under these or other Leaside policies or to complain about the outcome of any disciplinary action that may be taken against themselves or other members of staff/volunteers.

This Policy and Procedure applies to all employees of Leaside and anyone else working on The Leaside trust premises, including casual workers, agency staff and volunteers.

Principles

Leaside is committed to the highest standards of openness, probity and accountability. To this end, it expects staff who have serious concerns about any aspect of Leaside's work or activities to raise them with their managers so that they can be addressed.

Destroying or concealing evidence of poor practice or misconduct, or discouraging staff from coming forward with their concerns, will be treated as potential misconduct and will be investigated under Leaside's Complaint Policy Document.

Providing that matters are raised in good faith, staff who express their concerns in accordance with this Policy and Procedure will not be penalised in any way for doing so, even if the concern is subsequently considered to be unfounded.

Leaside will not tolerate the harassment or victimisation of anyone raising a genuine concern. Staff who feel that they are in any way being victimised as a result of raising a matter under this Policy and Procedure, should contact the either the CEO or a Trustee Member.

This protection does not, however, extend to staff making allegations that are proven to have been raised with malicious intent. This will be treated as serious misconduct and will be addressed under Leaside's Complaint Policy Document.

Leaside is committed to tackling issues of malpractice quickly and effectively. All matters raised under this Policy and Procedure will be investigated promptly and thoroughly, with appropriate action taken to resolve any areas of concern.

Responsibilities

Staff have a duty to report any matter they consider to be damaging to the interests of the organisation, its staff or its customers without delay, including concerns about financial mismanagement, health and safety risks and crimes committed at work. They also have a duty of loyalty to Leaside and must, therefore, ensure that any concerns are raised responsibly in accordance with this Policy and Procedure.

Managers have a duty to foster a climate where staff, feel confident that they can raise concerns without detriment and have them effectively addressed at an early stage. They must ensure that all concerns raised with them are taken seriously and are investigated promptly and thoroughly.

Procedure

If a member of staff has concerns about any malpractice, they should, in the first instance, raise these with their line manager. If the concerns are of an urgent nature, they should raise them with the most senior manager on duty.

If the member of staff considers the matter to be too serious to raise with their line manager, if their line manager is a subject of their concerns, or if they are dissatisfied with their line manager's response, they should raise the matter with a more senior manager.

If the member of staff remains unsatisfied that their concerns have not been properly addressed, they have the right to raise the matter with the Managing Director. If their concerns relate to the Managing Director they should write to the Chair of the Board of Trustees.

Raising a Concern

When raising a concern, staff should try to provide as much information as possible to allow the matter to be investigated effectively. However, it is important to raise concerns at the earliest opportunity, rather than allowing poor practice to continue whilst further evidence is gathered.

Anonymous concerns and concerns raised in confidence make investigations more difficult. An objective of this Policy and Procedure is therefore to reassure staff that they can raise concerns without fear of detriment.

If a member of staff wishes to raise an issue in confidence, the manager will treat this sensitively and will respect it where possible, provided that this does not inhibit the ability to carry out an investigation or resolve an issue. Any allegations raised anonymously will be assessed to decide whether an

investigation is appropriate, taking account of the seriousness of the issues raised, the credibility of the concerns, and the likelihood of finding corroborating evidence of the allegation.

If staff are unsure whether they should raise a complaint or would like to discuss the process further, should contact the Managing Director or Board of Trustees.

Investigation

The manager receiving the allegation will notify the Managing Director who will appoint a manager to conduct an investigation.

In cases of suspected financial malpractice, including fraud or corruption, and in cases relating to compliance with health and safety policies and procedures the Managing Director will notify the Chairperson of the Board of Trustees.

The investigating manager will be responsible for: meeting the member of staff to clarify their concerns and the evidence that they have to support these; meeting any witnesses; and gathering other evidence. They will conduct the investigation as quickly as possible and will be responsible for communicating the steps they plan to take, and the anticipated timescale, to the member of staff who raised the concerns.

If the investigation is delayed they should maintain regular contact with them and provide them with updates on their progress.

Subsequent Action

If, following the investigation, it is felt that there is a disciplinary care to answer, a disciplinary hearing will be set up in accordance with Leaside's Complaint Policy Document.

Action in place of, or in addition to, formal disciplinary sanctions may include:

- *Additional training, mentoring or supervision for the individual(s) involved.*
- *Changes to policies, procedures or working practices to rectify concerns.*
- *Referral to the police for criminal investigation.*

The investigating manager will be responsible for communicating the outcome of their investigation to the member of staff who raised the concerns, with due regard to the duty of confidentiality owed by Leaside to other staff under the Data Protection Act 1998.

Referral to External Bodies

This Policy and Procedure aims to ensure that concerns about malpractice can be resolved promptly and effectively, without the need for these to be raised outside of Leaside. To do so, without justification, could damage Leaside's name and/or bring the organisation into disrepute. This will be regarded as potential misconduct and will be addressed in accordance with Leaside's Disciplinary Policy and Procedure.

However, under the provisions of the Public Interest Disclosure Act 1998, workers have the right to make a disclosure about any area of malpractice covered in section 1 to the relevant 'prescribed body'. These include the Charity Commissioners for England and Wales, the Health and Safety Executive and the Information Commissioner (a full list is available from the Chairperson of the Board of Trustees).

For this protection to apply the member of staff must make the disclosure or allegation in good faith, they must believe the concerns to be substantially true and must believe they are raising them with the relevant prescribed body.

Raising allegations publicly through other channels, including the media or social networking sites, is unproductive and staff should be aware that they will not be legally protected in doing this unless they are able to demonstrate that they have acted reasonably in all the circumstances. It is unlikely to be judged reasonable to proceed down this route without having first made efforts to address the areas of concern through the procedures outlined above.

Staff considering disclosing concerns outside of Leaside and, particularly to a non-prescribed body, should seek further advice from the HR Consult Team. Alternatively, they may seek external advice from their legal adviser or obtain free guidance from the independent authority Protect Advice *(www.protect-advice.org.uk / telephone 020 3117 2520).*